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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Dayton, Ohio

NCR Docket No. 9419.00

Application of

Robin Mackay et al.

Serial No. 09/978,504

Group Art Unit: 2164

Filed: October 16, 2001

Examiner: **Unknown**

For: **ONLINE AUCTION SYSTEMS**

Assistant Commissioner for Patents
Washington, D.C. 20231

DECLARATION OF CHRISTINE SHEPPARD

Sir:

I, Christine Sheppard, being duly sworn, do hereby declare and state:

1. I am employed in the Intellectual Property Section of the Law Department of NCR Corporation. I am located in the London (United Kingdom) office of NCR Corporation.

2. I work with Michael Chan, Senior Attorney in the Intellectual Property Section of the Law Department of NCR Corporation, who is located in the Dayton offices of the Intellectual Property Section of the Law Department of NCR Corporation.

3. I am responsible for patent formalities for the Financial Solutions Group of NCR Corporation.

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4. I work with inventors (including Robin Mackay who is an inventor in the above-identified U.S. patent application, Serial No. 09/978,504) located in the United Kingdom to prepare patent applications for filing first in the U.K. Patent Office.

5. On July 27, 2000, an Invention Disclosure entitled, "Peer-to-Peer Live Auction System" was received from the inventors (See Exhibit A for copy of the Invention Disclosure submitted by the inventors).

6. On October 18, 2000, a priority patent application Serial No. 0025570.3 corresponding to the above-identified U.S. patent application Serial No. 09/978,504 was filed in the U.K. Patent Office.

7. On August 16, 2001 or thereabouts, a copy of the specification, claims, and drawings for priority patent application Serial No. 0025570.3 filed October 18, 2000 in the U.K. Patent Office was sent to the Dayton offices of the Intellectual Property Section of the Law Department for filing a corresponding patent application in the U.S. Patent Office.

8. On November 9, 2001, two sets of U.S. patent application papers (including copy of specification, claims, drawings, declaration of inventors, and assignment for inventors) corresponding to the above-identified U.S. patent application, Serial No. 09/978,504, were received by from the Dayton offices of the Intellectual Property Section of the Law Department for forwarding to inventors Cudd and Mackay, the inventors in the above-identified U.S. patent application, to sign the declaration and the assignment (see Exhibit B for copy of cover letter received with the two sets of U.S. patent application papers on November 9, 2001). As of November 9, 2001, none of the aforesaid inventors was in the employ of NCR Corporation.

9. On November 15, 2001, the U.S. patent application papers received on November 9, 2001 from the Dayton offices of the Intellectual Property Section of the Law Department were forwarded to inventor Mackay at his home address, which is "1 Colman's Wharf, 45 Morris Road, London E14 6PA", for execution by the inventor (see Exhibit C for a copy of the letters sent by Royal Mail Recorded Delivery to inventor Mackay on November 15, 2001).

10. On December 7, 2001 or thereabouts, I spoke with the mother of Richard Cudd on the telephone. She stated that she was going to Richard Cudd's wedding which was to be held in Australia. At that time I asked her if she would be able to obtain the signature of Richard Cudd and on December 10, 2001 I sent her one set of the documents.

11. On January 23, 2002 or thereabouts, I received from the mother of Richard Cudd the documents that were sent to her on December 10, 2001 (see Exhibit D for copy of the letter accompanying the documents received from her on January 23, 2002 or thereabouts). The documents received from her included the declaration and the assignment executed by Richard Cudd.

12. Inventor Mackay has an Employment Agreement with NCR Corporation. The Employment Agreements oblige him, *inter alia*, "...whether during or after his employment with the Company, execute any document and do any acts necessary to enable the Company or its assigns to obtain patent protection in any part of the world in respect of any invention ..." (see Exhibit E for Intellectual Property portion of inventor Mackay's Employment Agreement).

13. As of today, March 14, 2002, the documents sent to inventor Mackay on November 15, 2001 have not been returned to me.

14. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.


WHEREFORE, I hereby subscribe by name to the foregoing declaration.

Signed at London, United Kingdom this 14th day of March 2002.


Christine Sheppard

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KINGDOM OF ENGLAND, CITY OF LONDON S.S.
on 14th March 2002
Signed in the presence of ELEANOR FRANCES ALISON FOGAN Notary Public


E. F. A. FOGAN
Notary Public of London, England

(My commission
expires at death)

